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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**NOTICE OF CHANGE IN ENTITY STATUS AND  
PAYMENT OF FEE DEFICIENCIES UNDER 37 CFR 1.28(c)**

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

NOV 10 2004

Dear Sir:

## OFFICE OF PETITIONS

Applicant hereby states that he has recently discovered that by unintentional error on his part, the Office was not notified of a change in status subsequent to Applicant's licensing of the above-referenced patent. During the prosecution of the instant patent, Applicant paid all requisite fees, in good faith, as a small entity. During that time, Applicant was rightfully entitled to small entity status, and therefore all fees paid, including the issue fee on this patent, were rightfully calculated and paid.

On August 13, 1998, Applicant licensed the instant patent to Nintendo of America, Inc. From that date forward, all fees regarding the instant patent should have been calculated according to a large entity status. However, Applicant paid one maintenance fee on this patent that was calculated and paid according to a small entity status. This fee was paid in good faith, but was inadvertently miscalculated. As further set forth in the accompanying Declaration of Ms. Elise L. Corrado, the miscalculation of fee was inadvertent and unintentional.

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IN RE PATENT  
 Patent Number: 5,830,065  
 Attorney Docket No.: STD 1563

37 CFR 1.28(c) provides that if small entity fees are paid in good faith, and it is later discovered that through error the Patent and Trademark Office was not notified of a change in entity status, "the error will be excused upon payment of the deficiency between the amount paid and the amount owed." As set forth in the accompanying Declarations of Ms. Goldberg and Ms. Corrado, any deficiency in the payment of fees was inadvertent and unintentional.

Therefore, Applicant hereby submits this petition in compliance with the submission and itemization requirements of MPEP 509.03, 37 CFR 1.28(c)(1) and (c)(2). Following is an itemization, as required by MPEP 509.03 and 37 CFR 1.28(c)(2), listing the fee amounts paid by Applicant and re-calculated using the appropriate current fee amounts.

Fee Type Erroneously Paid as Small Entity	Date Fee was Erroneously Paid as Small Entity	Amount of Erroneously Paid Small Entity Fee	Current Large Entity Fee Amount	Deficiency Owed
Maintenance Fee (3.5 years)	04/04/2002	\$440.00	\$910.00	\$470.00
Total Deficiencies Owed:				\$470.00

Pursuant to 37 CFR 1.28(c), Applicant hereby submits the deficiency payment required. The deficiency amount owed under 37 CFR 1.28(c) has been calculated using today's date, September 7, 2004, on which date the deficiency is hereby paid in full via this Notice authorizing the Commissioner to charge any additional fees and credit any overpayments during the term of this patent to Deposit Account Number 501166. Deficiency fees due in the amount of \$470.00 are hereby paid in full.

Applicant submits that he has complied with 37 CFR 1.28(c) by submitting the present Notice shortly after the errors in payment of fees were brought to his attention. Applicant respectfully requests that the Office excuse all errors and miscalculations in fees paid in relation to the above-referenced patent as unintentional on the part of Applicant.

The Office is invited to directly communicate with the undersigned, if it will in any way facilitate the prosecution of this matter.

IN RE PATENT  
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Respectfully submitted,



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September 13, 2004

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